

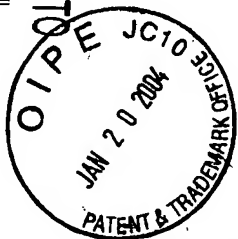


18351 U.S. PTO

DOCKET NO.: ORTU-0007

PATENT
REISSUE LITIGATION

17513 U.S. PTO
10/761096



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Application of:

Raffa, et al.

U.S. Patent No.: 5,336,691

Issued: August 9, 1994

Application No.: 07/974,865

Group Art Unit: 1205

Filing Date: November 10, 1992

Examiner: William R.A. Jarvis

For: Composition Comprising A Tramadol Material And Acetaminophen And Its Use

EXPRESS MAIL LABEL NO: EV 160092280 US
DATE OF DEPOSIT: January 20, 2004

EV160092280US

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER FOR REISSUE APPLICATION
PURSUANT TO 37 CFR §1.171**

Transmitted herewith is a request for a reissue of United States Patent No. 5,336,691 entitled **Composition Comprising A Tramadol Material And Acetaminophen And Its Use** because the applicant believes the original patent to be wholly or partly inoperative or invalid

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than patentee had the right to claim in the patent.

1. The specification of this reissue application including claims and abstract is furnished as follows:

- ☒ A single sided copy of the printed patent
 - ☐ A copy of the printed patent, in double column format each page on only one side of a single sheet of paper with amendments physically incorporated therein.
 - ☐ Certificate of Correction, if any
 - ☐ Terminal Disclaimer, if any
 - ☐ Reexamination Certificate, if any
2. The Drawings of this reissue application are furnished as follows
- ☒ a copy of the printed drawings of the patent.
 - ☐ The drawings include changes. Accordingly applicants are submitting a drawing sketch on a sheet separate from the printed drawings identifying the figure to which it pertains and showing the proposed changes in red.
3. Reissue Declaration and Power of Attorney
- ☒ Declaration and power of attorney executed by:
 - ☒ Assignee of entire interest
 - ☐ All inventors
 - ☐ An Associate Power of Attorney executed by _____ who was named in the original executed declaration and power of attorney.
4. A Preliminary Amendment is furnished as follows:
- ☐ The amendment is made by physically incorporating such changes into the copy of the specification pursuant to 37 CFR 1.173(b) and (d).
 - ☒ A separate amendment paper including the status of the claims as amended and support for such amendment pursuant to the requirements identified in 37 CFR 1.173 (a-g) is enclosed herewith.
5. Original Letters Patent
- ☐ Original letters patent is enclosed
 - ☐ Offer by the inventors to surrender original letters patent is attached
 - ☐ Assent of assignee to surrender is attached.

- ☒ Offer by the assignee of the entire interest to surrender original letters patent is attached (the reissue application does not seek to enlarge the claims of the original patent).
- ☐ Declaration that original letters patent lost or inaccessible.
- ☐ Original letters patent or declaration that original letters patent lost or inaccessible will be submitted after prosecution on the merits but before the application has been allowed.

6. Consent of Assignee and Assignee's Interest

In accordance with 37 C.F.R. §1.171(a), this application for reissue is accompanied by Consent of Assignee for Reissue and Assignee's Statement of Ownership Interest [37 C.F.R. §3.73(b)] with:

- ☐ Copy or copies of recorded documentary evidence of a chain of title from the original owner to the assignee.
- ☒ Designation by reel and frame where documentary evidence of a chain of title from the original owner to the assignee is recorded in the Office.

7. Information Disclosure Statement

- ☒ PTO Form 1449 is enclosed
- ☒ Copies of references 1-3 cited on PTO Form 1449 are enclosed

8. PRIORITY - 35 U.S.C. § 119

- ☐ Priority of Application No. _____ filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy has been filed in prior Application No. _____ filed on _____

9. Entity Status

- ☒ Applicant is a large entity
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 C.F.R. §1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern

☐ a Nonprofit Organization

10. FEE CALCULATION

			SMALL ENTITY	NOT SMALL ENTITY
REISSUE BASIC FILING FEE			\$385.00	\$770.00
1. Total Claims				
Number of Claims in Original Patent	minus 20 OR Number of Claims Remaining after Amendment (whichever is greater)	No. of Claims Remaining	9.00 Each	\$18.00 Each
15	53	38	\$	\$684
2. Independent Claims				
Number of Independent Claims in Original Patent	minus Number of Independent Claims Remaining After Amendment	No. of Claims Remaining	\$43.00 Each	\$86.00 Each
1	5	4	\$	\$344
TOTAL FILING FEE DUE			\$	\$1798

Note - Multiple Dependent Claims are Considered One Claim for Fee Calculation Purposes

- ☒ A check in the amount of **\$1798.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00 . This sheet is attached in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

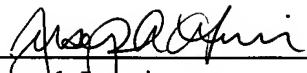
This sheet is attached in duplicate.

11. Correspondence Address

Address all telephone calls and correspondence to:

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Date: January 20, 2004



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